

Victim Compensation and Government Claims Board

Victim Compensation Program

May 23, 2003

**630 K Street
First Floor Hearing Room
Sacramento, California**

Adoption of Regulation: Emergency Awards in the Victim Compensation Program

Summary

The Board adopted an emergency regulation to implement the new statute governing emergency awards in the Victim Compensation Program (Program). Staff now recommends that the Board adopt the emergency regulation as the final regulation.

Background

Effective January 1, 2003, the Board was authorized to make an emergency award to any person eligible for Program assistance if the award is necessary to avoid or mitigate substantial hardship that may result from delaying compensation until complete consideration of an application. The amount of an emergency award depends upon the immediate needs of the person receiving the award. The Board adopted an emergency regulation that was effective February 3, 2003. Staff initiated the rulemaking process to adopt the emergency regulation as the final regulation. A public hearing was held on April 15, 2003. No one attended the hearing and no comments were received by the end of the public comment period. The emergency regulation will be repealed by operation of law on June 3, 2003, unless the Board completes the final rulemaking process.

Discussion

The proposed regulation authorizes an applicant to apply for an emergency award on the Program application, requires expedited verification of the application, and authorizes staff to use telephone and electronic means to quickly obtain necessary information. It authorizes an emergency award when it is necessary to avoid or mitigate substantial hardship that is the direct result of the qualifying crime. Substantial hardship is defined to include the inability to provide for the necessities of life or to pay for funeral and burial or crime scene cleaning expenses without the emergency award. Immediate financial need shall be determined by the financial assistance needed to avoid substantial hardship before the receipt of regular assistance. The proposed regulation requires that an applicant for an emergency award provide sufficient information to substantiate it is necessary to avoid substantial hardship and there is an immediate financial need as a direct result of the qualifying crime. The amount of the emergency award requested shall be considered when determining the amount and type of required information. If sufficient information is not provided for an emergency award, the application shall be processed as an application for regular assistance.

The text of the proposed regulation and the final statement of reasons are attached.

Recommendation

It is recommended that the Board adopt the regulation. It is also recommended that the Board delegate to the Interim Executive Officer the authority to prepare and submit all documents that are necessary to complete the rulemaking process to adopt the regulation.